



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,408	06/30/2003	R. Alexander Proudfoot	16113-1304001	1977

26192	7590	12/17/2008
FISH & RICHARDSON P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022		

EXAMINER	
SAFAIPOUR, HOUSHANG	

ART UNIT	PAPER NUMBER
2625	

NOTIFICATION DATE	DELIVERY MODE
12/17/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary	Application No. 10/611,408	Applicant(s) PROUDFOOT ET AL.	
	Examiner HOUSHANG SAFAIPOUR	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7,9,12-15,17,19-25,27,29,32-35 and 37 is/are rejected.
- 7) ☒ Claim(s) 6,8,10,11,16,18,26,28,30,31,36 and 38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 1/07/2008 have been fully considered but they are not persuasive. Applicant argues that his application has a filing date of June 30, 2003 which is prior to the filing date (Sept. 10, 2003) of Taylor (US 2004/0047009). As noted by the applicant Taylor claims priority to provisional application 60/409,399 filed on Sept. 10, 2002. Contents of the specification of the provisional application is identical to that of (US 2004/0047009) and therefore, is considered a proper prior art for the subject application. For this reason examiner maintains his previous rejection.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 7, 9, 12-15, 17, 19-25, 27, 29, 32-35 and 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Taylor et al. (US 2004/0047009).

Regarding claims 1 and 21, Taylor discloses an imaging system for imaging a bound document, comprising:

a cradle for supporting the bound document (fig. 6A, cradle assembly 200, paragraph [0101]);

Art Unit: 2625

a cradle positioning mechanism configured to selectively position the cradle and the bound document supported thereon relative to a camera (paragraph [0101]); and

a controller in communication with the cradle positioning mechanism for controlling the cradle positioning mechanism to automatically position the cradle and the bound document supported thereon based on the location of the page being imaged relative to the camera (paragraphs [0109 and 0110] describe controlling positions of pages).

Regarding claims 2 and 22, Taylor discloses the imaging system of claim 1, wherein the controller controls the cradle positioning mechanism such that a gutter between two facing pages of the book remains in approximately a same location relative to the camera (figs. 6A-8B, paragraphs [0107-0109]).

Regarding claims 3 and 23, Taylor discloses the imaging system of claim 1, wherein the controller controls the cradle positioning mechanism such that a surface plane of each page being imaged is approximately in a same position relative to the camera (paragraph [0109]).

Regarding claims 4 and 24, Taylor discloses the imaging system of claim 1, wherein the controller controls the cradle positioning mechanism such that the positioning of the cradle is a compromise between maintaining a gutter between two facing pages of the book in approximately a same location relative to the camera and maintaining a surface plane of each page being imaged at approximately a same position relative to the camera (figs. 6A-8B, paragraph [0110]).

Regarding claims 5 and 25, Taylor discloses the imaging system of claim 1, wherein the cradle positioning mechanism comprises a servo motor and a shaft controlled by the motor to position the cradle (paragraph [0096]).

Regarding claims 7 and 27, Taylor discloses the imaging system of claim 1, further comprising a sensor selected from the group consisting of 3D camera, range finder, laser, and edge detector to facilitate the controller in controlling the cradle positioning mechanism based on the location of the page being imaged relative to the camera ([0110], line 11).

Regarding claim 9, Taylor discloses the imaging system of claim 1, wherein the controller controls the cradle positioning mechanism based at least in part on one of a thickness of the document and a width of a gutter of the cradle ([0108-0109]).

Regarding claim 12, Taylor discloses the imaging system of claim 1, wherein the cradle comprises two angled sides for supporting each side of the bound document when the bound document is open, and a gutter between the two angled sides for supporting a center portion of the bound document, the gutter being adjustable in width (figs. 6A-8B show the left and right cradle halves and different angles for adjustment for different thickness [0101]).

Regarding claim 13, Taylor discloses the imaging system of claim 1, wherein the cradle comprises two portions movable relative to each other to selectively adjust a width of the gutter (please refer to claim 12).

Regarding claims 14 and 34, Taylor discloses the imaging system of claim 1, wherein the cradle supports the bound document when open such that the opening angle of the bound document is between approximately 100° and 135° (the angle can be adjusted to any degree of openings as evidenced by figs. 6A-8B).

Regarding claims 15 and 35, Taylor discloses the imaging system of claim 1, wherein the cradle holds the open bound document such that a center axis of the open bound document is tilted at an angle toward an operator (figs. 6A-8B).

Art Unit: 2625

Regarding claims 17 and 37, Taylor discloses the imaging system of claim 1, further comprising a document securing mechanism for securing the document to the cradle, the document securing mechanism being selected from the group consisting of clip, clamp, magnetic plate for insertion inside a front cover of the document, and magnetic plate for insertion inside a back cover of the document (book cover clamp 214, [0096]).

Regarding claim 19, Taylor discloses an imaging system for imaging a bound document, comprising a cradle for supporting the bound document in an open position, the cradle including two angled sides for supporting each side of the open bound document, the two sides being movable relative to each other so as to selectively adjust a distance there between (figs. 6A-8B, [0101], please refer to claim 1).

Regarding claim 20, Taylor discloses an imaging system of claim 19, wherein the two angled sides of the cradle form an opening there between through which a center spine portion of the bound document is positioned (fig. 6A-8B).

Regarding claim 29, Taylor discloses the method of claim 21, wherein the positioning of the cradle is based at least in part on one of a thickness of the document and a width of a gutter of the cradle 9[0101]).

Regarding claim 32, Taylor discloses the method of claim 21, further comprising the step of adjusting a width of a gutter of the cradle according to a thickness of the document, the cradle having two angled sides for supporting each side of the bound document when the bound document is open and a gutter between the two angled sides for supporting a center portion of the bound document (figs. 6A-8B, [0101]).

Art Unit: 2625

Regarding claim 33, Taylor discloses the method of claim 21, further comprising the step of adjusting a width of a gutter of the cradle according to a thickness of the document, the cradle having two portions movable relative to each other to selectively adjust the width of the gutter (figs. 6A-8B, [0101]).

Allowable Subject Matter

3. Claims 6, 8, 10, 11, 16, 18, 26, 28, 30, 31, 36 and 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2625

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipoor whose telephone number is (571)272-7412. The examiner can normally be reached on Mon.-Fri. from 6:00am to 2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571)272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Houshang Safaipoor/
Primary Examiner, Art Unit 2625